

Enduring Power Of Attorney Checklist

Form

- The Enduring Power of Attorney (EPOA) is in the approved form.

The approved forms can be found at <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/power-of-attorney-and-making-decisions-for-others/power-of-attorney/>

Enduring Power of Attorney type

The EPOA is for:

- personal matters,
- financial matters, or
- personal and financial matters.

Signing

- Signed and dated by the person (principal).

If not signed by the principal, the EPOA must have been signed and dated by another person who is:

- over 18,
- not the witness, and
- not appointed as an attorney under the EPOA.

If the EPOA is signed by another person, it must include a certificate signed by the witness stating:

- the principal instructed the other person to sign the EPOA in the witnesses presence,
- the other person signed it in the presence of the principal and the witness, and
- the principal appeared to the witness to have capacity necessary for the EPOA.

Witness

- The witness is a justice of the peace, a commissioner for declarations, a notary public or a lawyer.

(Note: The witness must not be – the person signing the document on person's behalf, the attorney for the person, a relation of the person, a beneficiary under the person's will, a relation of the attorney for the person and a paid carer or health care provider).

Attorney Accepted

- The person appointed as attorney has signed the document to show that they accepted the appointment.

Proving the document (Uploading Certified Copies on CIMHA)

- The certification has been done by the principal, a justice of the peace, a commissioner for declarations, a notary public, a lawyer, a trustee company or a stockbroker.
- Each page of the EPOA copy is certified as a 'true and complete copy of the corresponding page of the original' and signed.
- Last page of the EPOA is certified that the copy is a 'true and complete copy of the original'.

Revoking the EPOA

- Revocation is in the approved form (Note: the revocation does not need to be in the approved form if the EPOA being revoked gives power for a health matter).

The approved forms can be found at <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/power-of-attorney-and-making-decisions-for-others/power-of-attorney/>

- Signed by the principal and signature witnessed by a justice of the peace, commissioner for declaration, notary public or lawyer.

If the revocation is not signed by the principal, the revocation must have been signed and dated by another person who is:

- over 18,
- not the witness, and
- not appointed as an attorney under the EPOA.

If the revocation is signed by another person, it must include a certificate signed by the witness stating:

- the principal instructed the other person to sign the revocation in the witnesses presence,
- the other person signed it in the presence of the principal and the witness, and
- the principal appeared to the witness to have capacity necessary for the revocation